

Clerk, U.S. District Court
Southern District of Texas
FILED

APR 27 2015

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

~~Rayheed Muchiti RHODES~~
Muchiri Rayheed Rhodes

Case Number:

C-15-501M

Amended 4-27-15
per JBLI, the undersigned complainant state that the following is true and correct to the best of my
knowledge and belief. On or about 4/26/2015 in Brooks County, in the
(Date)Southern District of Texas defendant, **Rayheed Muchiti RHODES**did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United
States in violation of law, transport, or move or attempt to transport or move such alien within the United States
by means of transportation or otherwise, in furtherance of such violation of law.in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) HSI Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of ICE Special Agent

Brian Minnick

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No
Signature of Complainant**Brian Minnick**
Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found

April 27, 2015

Date

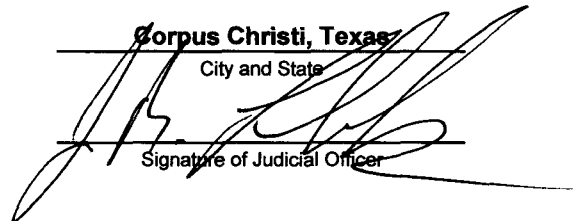
at

Corpus Christi, Texas

City and State

Jason Libby **Magistrate Judge**

Name and Title of Judicial Officer


Signature of Judicial Officer

ATTACHMENT

On Thursday, April 26, 2015, Border Patrol Agent (BPA) Jose F. Garza "Chief" was performing assigned checkpoint duties at the United States Border Patrol Checkpoint, located approximately 13 miles south of Falfurrias, Texas on Highway 281.

At approximately 0115 hours a 1993 Blue and Yellow in color Kenworth displaying License Plates Texas 16K6301 hauling a white Great Dane Limited trailer displaying License Plates Texas 19R6942 approached the primary inspection lane for an immigration inspection of its occupants. Once the vehicle came to a complete stop BPA Garza asked the driver, later identified as RHODES, Muchiti Rayheed if he was a United States Citizen to which he stated "Yes". BPA Garza asked RHODES if the tractor and trailer belonged to him. RHODES stated "No". BPA Garza then asked RHODES what he was hauling in the trailer, RHODES stated nothing. BPA Garza asked RHODES where he was going. RHODES stated he was going to Alice, Texas. BPA Garza asked RHODES for what company he worked for. RHODES stated he didn't work for any company he had just bought the tractor and trailer. BPA Garza noticed RHODES was sweating heavily even though the air conditioner in the tractor was blowing on high. BPA Garza asked RHODES if he had any form of identification. RHODES stated he had no ID on him.

During BPA Garza's interview, Canine Border Patrol Agent Melissa Castillo and her service canine (Blacky-G# 061310) conducted a non-intrusive free air sniff of the blue and yellow tractor trailer that pulled into the primary inspection lane. Canine Blacky-G alerted on the back of the trailer at the tommy lift. While BPA Garza was conducting an immigration inspection of the driver, Canine Blacky-G traced the odor emitting from the front of the trailer. Canine Blacky-G indicated once she reached the front of the trailer. At this time, BPA Castillo signaled Agent Garza to put the trailer in secondary for further inspection. BPA Garza asked RHODES for consent to search both the tractor and trailer. RHODES consented to the search of the tractor and trailer.

Once in secondary, BPA Castillo started to conduct a systematic search of the tractor trailer utilizing her Service Canine Blacky-G where she alerted and indicated once again to the tommy lift on the back of the trailer. BPA's lowered the tommy lift and opened the back door; once the trailer door was opened BPA Castillo noticed several people sitting inside the trailer. At that time BPA Castillo advised BPA Garza of the people in the trailer. BPA Castillo then advised BPA Garza verbally to arrest RHODES because there were undocumented aliens in the trailer. At this time BPA Garza placed RHODES under arrest and escorted him into the checkpoint.

Once inside the checkpoint BPA Garza advised RHODES, Muchiti Rayheed of his Miranda Rights as per Service Form I-214 in his preferred language of English. RHODES then signed his rights and acknowledged that he understood his rights. RHODES also agreed to answer questions without a lawyer present. BPA Shad C. SCHUTTE served as the witness.

RHODES stated that he arrived in McAllen, Texas on April 23, 2015. BPA Garza asked RHODES how he had gotten from Corpus Christi, Texas to McAllen, Texas. RHODES stated he was brought by a girl by the name MARIA (Last Name Unknown). RHODES stated they

spent the night at a Hotel La Copa in McAllen, Texas. After waking up the next morning RHODES stated MARIA and his wallet were gone. RHODES stated he walked to the Flying J (gas station) where he asked for work. RHODES stated a man by the name GONZALEZ approached him and offered him a job. RHODES stated GONZALEZ told him he needed a tractor and trailer driven to Alice, Texas. RHODES stated he was in need of money so he took the job. GONZALEZ walked him to where the tractor and trailer was parked. RHODES stated the tractor was already on upon his arrival. RHODES stated GONZALEZ also gave him a hands free head set for him to communicate with him. BPA Garza asked RHODES if he knew what he was hauling. RHODES stated "I did not know what he was hauling", BPA Garza asked RHODES how much he was getting paid. RHODES stated he was going to get \$200.00 US Dollars upon arrival in Alice, Texas. BPA Garza asked RHODES where in Alice, Texas he was to deliver the tractor and trailer. RHODES stated he did not know, he was supposed to call GONZALEZ once he got to Alice, Texas.

BPA Garza asked RHODES if he had stopped anywhere between the Flying J and the Border Patrol Checkpoint, RHODES stated "No", he took off at approximately 0015 hours from the Flying J. At approximately 0115 RHODES arrived at the United States Border Patrol Checkpoint for an immigration inspection, where he was arrested for Alien Smuggling. RHODES did not have an identification, the tractor has no company name on the doors, DOT number as required and there was no driver's log.

Homeland Security Investigations (HSI) Special Agent Brian Minnick interviewed RHODES again separately to which he gave almost the exact same story, leaving out a few minor details, but adding nothing of substance to his story or account of events over the period of 4/25/2015 to 4/26/2015 when he was caught by Border Patrol.

Border Patrol Agents conducted brief interviews of the 35 illegal aliens as to who had witnessed or had seen the driver of the tractor trailer. Three illegal aliens made statement they had seen the driver.

Damaris Lucrecia ALVARADO-BARILLAS made statements she had seen the driver. BPA Samuel Morales conducted an interview to include a sworn statement stating she had seen the driver. ALVARADO-BARILLAS was given a photo line up to which she positively identified the driver as RHODES.

Juan Carlos REYES-ORNELAS made statements he had seen the driver. BPA Jackie Bellew conducted an interview to include a sworn statement stating he had seen the driver. REYES-ORNELAS was given a photo line up to which he positively identified the driver as RHODES.

Ana Mirian RIVERA-VALLE made statements she had seen the driver. BPA James Jeziorski conducted an interview to include a sworn statement stating she had seen the driver. RIVERA-VALLE was given a photo line up to which she positively identified the driver as RHODES.

Homeland Security Investigations (HSI) Special Agent Brian Minnick and BPA R. Gonzalez Jr. interviewed ALVARADO-BARILLAS (in Spanish) who stated she was drove to the tractor trailer with 4 other illegal aliens, she stated she observed it was near the highway, she saw a

warehouse (believed to be white), and noted the area was a bit brushy. She stated she entered the trailer through the side door and observed the driver as a tall skinny black man (previously identified via photo lineup with Border Patrol Agents). She stated there were approximately 20-25 subjects inside the trailer when she got in. She stated it was dark; there was water provided for them and the air conditioning unit did run while they were inside. She stated other subjects entered the trailer from that location. She stated the door was shut and the trailer began to move, she stated they drove for approximately 20-30 minutes and stopped again. She stated she saw the door of the trailer open then and observed the driver again. She stated they then drove approximately one hour at which time they were caught at the Border Patrol Checkpoint. ALVARADO-BARILLAS was asked how positive she was, that she correctly identified the suspect on the photo lineup, to which she stated she was positive it was him.

Homeland Security Investigations (HSI) Special Agent Brian Minnick and BPA R. Gonzalez Jr. interviewed REYES-ORNELAS (in Spanish) who stated he was drove to the tractor trailer with 5 other illegal aliens, he stated he observed it was near the highway, he saw a warehouse (believed to be brownish in color), and thought the warehouse was abandoned. He stated he entered the trailer through the side door and he saw the driver, described him as a tall skinny black man (previously identified via photo lineup with Border Patrol Agents) and heard him tell them "go...move...move it". REYES-ORNELAS stated he only saw the driver once, but heard his voice giving other instructions around the outside of the trailer. REYES-ORNELAS stated they waited there for approximately 30 minutes while others were getting loaded and then drove for about 20 minutes. He stated they stopped and he saw the door open, but due to the darkness couldn't tell what was happening. He stated they did have water and the air conditioning unit did run while they were inside. REYES-ORNELAS stated they then drove for approximately one hour and then stopped again, this time the Border Patrol caught them. REYES-ORNELAS was asked how positive he was, that he correctly identified the suspect on the photo lineup, to which he stated he was positive it was him.

Homeland Security Investigations (HSI) Special Agent Brian Minnick and BPA R. Gonzalez Jr. interviewed RIVERA-VALLE (in Spanish) who stated she was drove to the tractor trailer with 4 other illegal aliens (same vehicle as ALVARADO-BARILLAS); she stated she observed it was near the highway, and appeared to be brushy and stating it was dark outside. She stated she entered the trailer through the side door; however she initially ran towards the cab of the truck thinking she was going to ride inside at which point she saw the driver who redirected her to the side trailer door. She identified the driver as a tall skinny black male with a hat (previously identified via photo lineup with Border Patrol Agents also note a hat was recovered as part of RHODES property). RIVERA-VALLE stated after her encounter with the driver she recognized his voice and heard him give others instructions outside. She stated more illegal aliens loaded the trailer while they were there at the first stop, but they drove approximately 30 minutes and stopped at which point she observed the driver open the door. She stated they stayed there for about 40 minutes and the left. She stated they drove for about another hour and then when they stopped they were caught by Border Patrol. RIVERA-VALLE was asked how positive she was, that she correctly identified the suspect on the photo lineup, to which she stated she was positive it was him.

Damaris Lucrecia ALVARADO-BARILLAS, Juan Carlos REYES-ORNELAS, and Ana Mirian RIVERA-VALLE were held as material witnesses.

Based on Border Patrol interviews of the remaining aliens, during processing no others had any statements that were exculpatory to the ones provided.